

## **MINUTES**

**CITY OF IMPERIAL BEACH  
CITY COUNCIL  
PLANNING COMMISSION  
PUBLIC FINANCING AUTHORITY  
HOUSING AUTHORITY  
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

**FEBRUARY 17, 2016**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

**CLOSED SESSION MEETING – 5:00 P.M.  
REGULAR MEETING– 6:00 P.M.**

### **CLOSED SESSION MEETING CALL TO ORDER**

Mayor Dedina called the Closed Session meeting to order at 5:00 p.m.

### **ROLL CALL BY CITY CLERK**

Councilmembers Present:	Bragg, Patton, Bilbray (arrived at 5:27 p.m.)
Councilmembers Absent:	None
Mayor Present:	Dedina
Mayor Pro Tem Present:	Spriggs
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald

### **CLOSED SESSION**

City Attorney Lyon announced the following Closed Session conflicts:

Item 1: Mayor Pro Tem Spriggs has a potential conflict of interest due to the location of his residence.

Item 3: She will not participate in the discussion of the item since the law firm of McDougal, Love, Eckis, Boehmer & Foley has a potential conflict because they also represent the City of Coronado.

### **CONSENSUS OF CITY COUNCILMEMBERS PRESENT TO ADJOURN TO CLOSED SESSION UNDER:**

#### **1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code section 54956.9(d)(1)  
Case No. 37-2013-00081555-CU-EI-CTL

#### **2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code section 54956.8  
Property: APN: 625-241-02-00  
Agency Negotiator: City Manager, City Attorney  
Negotiating Party: Sawhney Family LTD Partnership  
Under Negotiation: Price and terms of payment

#### **3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code section 54956.9(d)(1)  
Case No. 37-2016-00000183-CU-WM-CTL

Mayor Dedina adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, City Attorney Lyon announced City Council discussed Closed Session Item Nos. 1 and 2, City Council gave direction and no reportable action was taken.

Reporting out of Closed Session, City Manager Hall announced City Council discussed Closed Session Item No. 3, City Council gave direction and no reportable action was taken.

#### **ADJOURN CLOSED SESSION**

Mayor Dedina adjourned the Closed Session meeting at 6:01 p.m.

#### **REGULAR MEETING CALL TO ORDER**

Mayor Dedina called the Regular Meeting to Order at 6:01 p.m.

#### **ROLL CALL BY CITY CLERK**

Councilmembers Present:	Bragg, Patton, Bilbray
Councilmembers Absent:	None
Mayor Present:	Dedina
Mayor Pro Tem Present:	Spriggs
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Hald, Assistant City Manager Dush, City Planner Nakagawa, City Planner Foltz, Administrative Services Director Bradley

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Elizabeth Carson from Nestor Language Academy Charter School.

#### **AGENDA CHANGES**

None.

#### **MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES**

Councilmember Patton reported on his attendance at the South County Economic Development Council meeting where there was a speaker from Baja California who spoke about tourism.

Councilmember Bragg reported her attendance at the SANDAG Transportation Committee meeting where there was a presentation on SANDAG's proposed ballot measure for a half-cent sales tax.

Mayor Dedina recognized the Boys & Girls Club, City staff, sponsors and Councilmembers for making the State of the City event a success. He reported on his and Councilmember Bragg's attendance at the SANDAG policy meeting where there was a discussion on the Regional Transportation Plan. He recognized the Sheriff's Department for working with the community and for using intelligence based policing.

#### **COMMUNICATIONS FROM CITY STAFF**

Public Works Director Levien introduced Crystal Celis, the new Customer Service Specialist.

Public Safety Director French reminded everyone to never leave candles unattended and to keep candles away from combustibles and children.

#### **PUBLIC COMMENT**

Matt McCoy, representing IB Girls Softball, spoke about a fundraiser event and upcoming games.

Pastor John Griffin, United Methodist Church, representing a group of citizens concerned with the issue of alcohol sales in the City of Imperial Beach, asked City Council to consider adoption of a deemed approved conditional use permit ordinance for alcohol establishments that includes a fee structure to offset administrative and law enforcement costs.

James De la Cerna, representing the Boys & Girls Club, showed a PowerPoint presentation on recent events that took place at the Sports Park and he spoke about upcoming classes/events that will be held at the Sports Park.

**PRESENTATIONS (1)**

None.

**CONSENT CALENDAR (2.1-2.9)**

A revised Resolution No. 2016-7665 was submitted as Last Minute Agenda Information for Item No. 2.3.

**MOTION BY BRAGG, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.9. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES. (0300-25)**

City Council approved the Regular Meeting Minutes of November 4, 2015.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

City Council ratified the warrant register.

**2.3 ADOPTION OF RESOLUTION NO. 2016-7665 AUTHORIZING SUBMITTAL OF SENIOR CENTER HRP GRANT APPLICATION. (0390-86 & 0930-20)**

Received report and adopted resolution.

**2.4 RESOLUTION NO. 2016-7663 ADOPTING THE CITY'S SALARY SCHEDULE PLAN FOR FY 2015-2017 AND AMENDING THE CITY'S SALARY SCHEDULE PLANS FOR FY 2011-2013 & 2013-2015. (0520-75)**

Approved resolution.

**2.5 RECEIVE DECEMBER 2015 TREASURER'S REPORT. (0300-90)**

City Council received the monthly Treasurer's Report.

**2.6 RESOLUTION NO. 2016-7669 SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE FORMATION OF AN UNDERGROUND UTILITY DISTRICT IN 1300 BLOCK DONAX AVENUE; RESOLUTION NO. 2016-7670 SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE FORMATION OF AN UNDERGROUND UTILITY DISTRICT IN 1300 BLOCK ELM AVENUE; AND RESOLUTION NO. 2016-7671 SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE FORMATION OF AN UNDERGROUND UTILITY DISTRICT IN 900-1000 BLOCKS FERN AVENUE. (0810-20)**

Adopted resolutions.

**2.7 PUMP STATION NO. 10 EMERGENCY REPAIR - UPDATE REPORT. (0830-35)**

Acknowledged the award of the contract with Charles King, Inc. and that the proposed work was awarded at a cost of \$136,855, well under the engineer's estimate.

**2.8 AUTHORIZATION TO SUBMIT LETTER OF OPPOSITION TO SB 876 ON PREEMPTION OF LOCAL AUTHORITY AND INCONSISTENCY WITH LOCAL LAWS AND REGULATIONS. (0460-20)**

Authorized staff to prepare a letter of opposition for signature by the Mayor and members of the City Council in opposition of SB 876.

**2.9 CONSIDERATION OF RESOLUTION NO. 2016-7667 AUTHORIZING THE DEDICATION OF RIGHT-OF-WAY INTO THE CITY'S STREET SYSTEM RELATED TO RELINQUISHMENT RECEIVED FROM CALTRANS FOR A PORTION OF STATE ROUTE 75 TO FURTHER FACILITATE THE REALIGNMENT OF THE PALM AVENUE/STATE ROUTE 75 INTERSECTION AND RIGHT-OF-WAY ADJACENT TO THE PROPOSED BREAKWATER PROJECT. (0740-10)**

Adopted resolution.

**ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)**

**3.1 INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2016-1155: COASTAL COMMISSION STIPULATED MODIFICATIONS TO THE ZONING IMPLEMENTATION OF THE 2013-2021 IMPERIAL BEACH HOUSING ELEMENT. MF 1060. (0660-95)**

Mayor Dedina declared the public hearing open.

Assistant City Manager Dush gave a PowerPoint presentation on the item.

City Clerk Hald announced no speaker slips were submitted.

Mayor Pro Tem Spriggs raised concern about the intrusion of the California Coastal Commission (CCC) into matters that should be within the City's purview by use of language that goes beyond the Local Coastal Program (LCP) and Zoning regulations.

Assistant City Manager Dush stated staff met with CCC staff three times regarding this issue. Based on discussions among staff, the language would not have an impact upon how we would implement our codes and LCP.

City Clerk Hald read the title of Ordinance 2016-1155 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH MODIFYING, PURSUANT TO COASTAL COMMISSION CERTIFICATION ORDER, ORDINANCE NO. 2014-1146 THAT AMENDED TITLE 19 (ZONING) OF THE IMPERIAL BEACH MUNICIPAL CODE THAT PROPOSED IMPLEMENTING PROGRAMS 12 AND 13 OF THE 2013-2021 (5<sup>TH</sup> CYCLE) HOUSING ELEMENT. MF 1060."

Without dissention from City Council, Mayor Dedina closed the public hearing.

**MOTION BY BILBRAY, SECOND BY BRAGG, TO WAIVE FURTHER READING IN FULL OF ORDINANCE NO. 2016-1155 AND SET THE MATTER FOR ITS SECOND READING AND ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARINGS (4.1-4.2)**

**4.1 ERIC WILSON, DONAX GARDEN, LLC (APPLICANT); CONSIDERATION OF ADMINISTRATIVE COASTAL PERMIT (ACP 150007), DESIGN REVIEW CASE (DRC 150008), SITE PLAN REVIEW (SPR 150009), TENTATIVE MAP (TM 150010), AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES 15332 (IN-FILL DEVELOPMENT) FOR THE DEMOLITION OF ONE EXISTING BUILDING AND CONSTRUCTION OF EIGHT NEW RESIDENTIAL CONDOMINIUM UNITS AT 808 13TH STREET (APN 626-342-15-00). MF 1178. (0600-20)**

Mayor Dedina declared the public hearing open.

City Planner Foltz gave a PowerPoint presentation on the item. In response to Councilmember Bragg, he stated the lighting plan will be provided during the building permit process.

Councilmember Bragg requested consideration of additional street lighting in concert with this project.

In response to questions of City Council, Eric Wilson, Donax Garden, LLC, applicant, stated the landscaping will have drought tolerant plants and be maintained by the HOA. He also stated that the properties will be median income priced homes and they are interested in starting the project as quickly as possible.

City Planner Foltz stated maintenance of the landscaping (as proposed) is a condition of approval. If in the future it is found in disrepair, they would be in violation of their permit and the

City could act on it.

Mayor Dedina thanked the applicant for submitting a great project and for working with the Design Review Board and City staff.

Without dissension from City Council, Mayor Dedina closed the public hearing.

**MOTION BY BILBRAY, SECOND BY SPRIGGS, TO CHOOSE COLOR SCHEME NO. 1 AND ADOPT RESOLUTION NO. 2016-7668, APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 150007), DESIGN REVIEW CASE (DRC 150008), SITE PLAN REVIEW (SPR 150009), TENTATIVE MAP (TM 150010), AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES 15332 (IN-FILL DEVELOPMENT) FOR THE DEMOLITION OF ONE EXISTING BUILDING AND CONSTRUCTION OF EIGHT NEW RESIDENTIAL CONDOMINIUM UNITS AT 808 13TH STREET (APN 626-342-15-00). MOTION CARRIED UNANIMOUSLY.**

Councilmember Bragg clarified that she voted no on color scheme no. 1 and voted yes on the approval of the resolution.

**4.2 ADOPTION OF RESOLUTION NO. 2016-7664 APPROVING THE PALM AVENUE/ SR 75 COMMERCIAL CORRIDOR STREETScape PLAN (MF 1171). (0740-10)**

Mayor Dedina declared the public hearing open.

Assistant City Manager Dush introduced the consulting team and gave a PowerPoint presentation on the item. In response to Mayor Pro Tem Spriggs, he spoke about the City's efforts in coordinating with the City of San Diego to ensure a seamless transition into Imperial Beach. He also explained that should Imperial Beach move forward with local access lanes, there would not be a conflict with the City of San Diego's design because the lanes are not proposed in the East End Sector. He further explained that the local access lanes are an optional component in the Mid-Town Sector and that the City is preserving the option for local access roads in the future. If there is a desire not to do them the City would not have to do another Mitigated Negative Declaration (MND).

No public speaker slips were submitted.

In response to Mayor Pro Tem Spriggs question regarding the Navy's input and concerns, City Manager Hall stated the Navy has reviewed the plan and provided input. He also stated the Navy would like to preserve the ability to take large machinery down the road.

Wes Bomyea, Community Plans & Liaison, Naval Base Coronado, stated that he participated in almost all of the reviews of the project and the only concern of the Navy is getting equipment through the area.

Aronold Torma, Senior Traffic Engineer with KOA, stated he understood the Navy's concern with moving equipment (width and height) and not necessarily speed. He noted that currently the corridor is run by Caltrans for the benefit of moving traffic without creating an identity for the local community. He also spoke about concerns with the long signal cycle times. He stated that there may be delay in the future but there are locations that get better and other areas that may get worse but there will be balance. He was hopeful that the experience will dampen the sense for speed so drivers are not racing from light to light to get through the corridor.

Councilmember Patton spoke in opposition to local access roads.

Councilmember Bragg stated this project is critical to the quality of life for the people in Imperial Beach and she expressed concern about local access roads and impacts on traffic flow.

Councilmember Bilbray also expressed concern about local access roads and suggested that

the concept be eliminated.

Mayor Dedina concurred with elimination of the local access roads, he commented on how the local access roads have taken attention away from the positive aspects of the project as a whole and he encouraged everyone to focus on obtaining funds to improve the corridor.

Councilmember Patton suggested that the local access road be kept on paper in case it is needed in the future.

Assistant City Manager Dush stated that he understood Council's direction but if for some reason there isn't a different alternative, the City has preserved all of its options through the MND.

Without dissension from City Council, Mayor Dedina closed the public hearing.

**MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2016-7664 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING DESIGN REVIEW CASE (DRC) 150039 AND MITIGATED NEGATIVE DECLARATION (SCH #2015041055) FOR THE PALM AVENUE/ SR 75 COMMERCIAL CORRIDOR STREETSCAPE PLAN. MF 1171. MOTION CARRIED UNANIMOUSLY.**

**REPORTS (5.1-5.3)**

**5.1 REQUEST FOR APPROVAL OF RESOLUTION NO. 2016-7672 AUTHORIZING CONSTRUCTION OF AN OUTDOOR GYM AT VETERAN'S PARK TOGETHER WITH AN APPROPRIATION OF FUNDS NOT TO EXCEED \$20,000. (0940-10)**

City Manager Hall thanked Councilmember Patton and Mr. Rios from IB Cross Fit for working with him on this project. He gave a PowerPoint presentation on the item.

Councilmember Patton discussed some of the equipment that can be used for the outdoor gym and he spoke about continuing to work with staff on finding other areas for outdoor gyms.

James Moran (didn't speak) indicated support for the item.

Josie Hamada was pleased that the proposed location for the outdoor gym is not the same section where she has seen families, dogs and training taking place.

Councilmember Bragg thanked Councilmember Patton, City Manager Hall and Mr. Rios for addressing concerns that were previously raised and she supported installation of similar equipment in other areas of the City.

Mayor Dedina thanked Councilmember Patton and City Manager Hall for their efforts and he spoke in support for identifying other areas of the City to install exercise equipment.

**MOTION BY PATTON, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2016-7672 AUTHORIZING THE CONSTRUCTION OF AN OUTDOOR GYM WITHIN VETERAN'S PARK AND AN APPROPRIATION OF NOT TO EXCEED \$20,000 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE OR OTHER APPROPRIATE FUNDING SOURCE AS IDENTIFIED BY THE CITY MANAGER. MOTION CARRIED UNANIMOUSLY.**

**5.2 UPDATE FROM AD HOC COUNCIL COMMITTEE FOR COMMERCIAL ZONING REVIEW. (0410-05 & 0610-05)**

Assistant City Manager Dush reported on the item stating the Ad Hoc Council Committee (consisting of Mayor Pro Tem Spriggs and Councilmember Patton) had an initial finding that there is a need to consider an urgency ordinance that would preclude exclusive residential projects in Mixed-Use Zones.

Mayor Pro Tem Spriggs summarized the efforts of the Ad Hoc Council Committee and reported there is an urgent need to close the loophole that allows for solely residential properties in Commercial Mixed-Use Zones. The individuals who raised concerns about the interpretation and implementation of Commercial Zoning are Elizabeth Shapiro, Michael Carey and Diane Rose.

Councilmember Patton also commented on the committee's ongoing efforts to work with residents to address their concerns.

Stu Wilson expressed concern about having the rules change. He stressed that the rules should be known upfront before properties are purchased and projects are designed.

Dante Pamintuan supported comments made by Mr. Wilson. He spoke in support for being developer-friendly and for mixed-use development. He expressed concern about delays, the possibility of scaring people away and he opposed the item.

Steve Waldron expressed concern that an urgent proposition might affect the City in the long term and stated a proper study can yield better results.

Councilmember Bragg expressed concern about moving forward without further review.

City Attorney Lyon reviewed the process for considering and adopting an interim urgency ordinance.

City Manager Hall announced letters of support for an urgency ordinance from Michael Carey and Diane Rose were submitted as Last Minute Agenda Information.

Mayor Dedina commented that the commercial zoning review process took years in the making, a lot of money and involved experienced people. He expressed concern that within a few years an ad hoc committee and a few members of the community are recommending changes through an urgency ordinance process. He spoke in support for a transparent and deliberative process that includes community input, further analysis and review. He noted that he did not have enough information to make a decision at this time. He also stated that he had anticipated the committee returning to the City Council one time with a summation of their recommendations and not continuing to return to City Council with a series of their recommendations. He asked that the City Council be provided with a timeline and all the alternatives on how to move forward with changes, not just the option for an urgency ordinance.

Councilmember Bilbray stated there was no intention to have solely residential buildings in the Commercial Mixed -Use Zone and supported moving forward with fixing the loophole.

Councilmember Bragg agreed with Councilmember Bilbray's comments but expressed concern about meeting the findings for of an urgency ordinance. She supported a more thorough discussion on the issues.

Mayor Pro Tem Spriggs stated that under the new zoning plan, there was no intention to have purely residential development in Commercial Mixed-Use Zones. He clarified that this matter is being presented to City Council before the committee issues its final report in order to try to avoid the unintended consequence of developers placing exclusive housing projects in areas that should be mixed-use developments.

City Manager Hall spoke about the urgency ordinance process and how project applications would be handled during that timeframe.

Councilmember Patton stated the committee, along with staff, can bring back more information and include highlights of their meetings. He spoke in support for focusing on items that are obtainable.

Mayor Pro Tem Spriggs stated the committee can identify a range of issues of concern, work with staff on addressing those issues and submit a report to City Council at a future meeting or workshop.

**5.3 BI-ANNUAL INVESTMENT REPORT PRESENTED BY CHANDLER ASSET MANAGEMENT. (0920-70)**

Item rescheduled for a future date by prior City Council action.

**I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)**

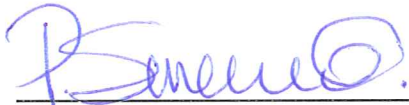
None.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

None.

**ADJOURN REGULAR MEETING**

Mayor Dedina adjourned the regular meeting at 8:34 p.m.



Sunem Carballo,  
Deputy City Clerk



Serge Dedina,  
Mayor